

POLREP 03 & Special Bulletin A
50th and Hayes Site

743, 745, 731, 729, 738, 740, and 737 50th Street NE
Washington, D.C. 20019

DATE: 8 September 1999

FROM: Colby Stanton, On-Scene Coordinator
Removal Response Section (3HS31)

TO: Regional Response Center

cc: A. FERDAS
D. CARNEY
C. KLEEMAN
K. MELVIN

SUBJECT: Notification of \$200,000 CERCLA Emergency Removal Action

I. BACKGROUND

The properties at 50th and Hayes were initially reported to the EPA Region III Regional Response Center on September 10, 1998, as contaminated with waste oil/petroleum, tires, and other flammable materials as the result of an illegal "chop shop" that had been operating out of the property. Drums of cleaning solvents were reported as having been dumped on-site. Due to difficulties in obtaining access permission, EPA OSCs were unable to enter the Site to perform a site assessment until February of 1999. The drums had, for the most part, been removed prior to the OSCs' initial site assessment visit. EPA OSCs Boyd and Stanton performed an assessment in February and sampled several drums that were found on-site. Analysis of these drums indicated low concentrations of various inorganic and organic compounds. Soils on the Site were observed to be deeply impregnated with what were assumed to be petroleum products. However, because there was no visible pathway to a navigable waterway, the OSCs concluded that the Site did not present a threat as traditionally defined under the Oil Pollution Act of 1990 (OPA). The OSCs also concluded that the Site did not pose a threat of a release of hazardous substances warranting further Superfund assessment; this conclusion was drawn because only low levels of contamination were found in the drums and the OSCs believed that it was likely that much of the soil contamination was due to oil. However, no soil samples were drawn at that time to verify the assumption regarding the type of soil contamination.

Since the time of the OSCs' initial visit, the situation has changed, and EPA has been asked again by D.C. Environmental Crimes Unit (ECU) investigators to take an action at the Site. Neighborhood children have apparently learned that the contaminated soils on the Site can be set on fire. Once ignited, the soils burn for some time; D.C. ECU investigators report that the D.C.

fire department has had difficulty in suppressing the fires once ignited, and that the flames continued for several days. The property is located across the street from an elementary school, where the school year is just now beginning.

II. ISSUE

At the time of the initial assessment, the OSCs observed that soils were deeply impregnated with contaminants. Although the OSCs assumed that the soils were contaminated with oil, no soil samples were taken to confirm or refute this assumption. Because drums of solvents were initially found on the Site by D.C. ECU, and low levels of organic compounds were identified in the drums that remained on-Site at the time of the OSCs' initial assessment, it is quite possible that the soils are contaminated with a mixture of both oil and flammable organic compounds. Because local children have now discovered that the soils on-Site are easily ignited, the Site now poses an imminent and substantial threat to human health and welfare. Any hazardous waste having the characteristics identified under or listed pursuant to section 3001 of the Solid Waste Disposal Act is defined as a hazardous substance under CERCLA; ignitability is such a characteristic.

III. THREATS TO PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT

Section 300.415 of the NCP lists the factors to be considered in determining the appropriateness of a removal action. At this time, paragraphs (vi) and (vii) apply to this site:

- 300.415 (B)(2)(vi) Threat of fire or explosion;

According to D.C. ECU investigators, several fires have been set on the Site by lighting the soils, which are easily ignited. With classes beginning at the elementary school across the street, and easy access to the Site, the threat of a fire at the Site in the absence of a Removal action is very likely.

- 300.415 (B)(2)(vii) The availability of other appropriate federal or state response mechanisms to respond to the release.

The ownership of the property is somewhat at issue; the property was purchased and then defaulted on. The property is believed to have defaulted to its initial owner, who cannot afford to take an action to remove the threat from this Site. While the prospective purchasers of the property have indicated an interest in controlling access to the Site, it is not clear that they can do so in a timely manner. In addition, the D.C. Department of Public Works/ECU has requested EPA assistance with this Site. The OSC has determined that there are no other appropriate federal or state response mechanisms to respond to the release in a timely manner.

IV. PROPOSED ACTIONS AND COST

The OSC has determined that a Superfund response action pursuant to the NCP is appropriate and necessary and is initiating a Superfund response using her \$200,000 emergency funding authority pursuant to EPA Delegation of Authority 14-1-A. The following tasks will be performed pursuant to this response action to eliminate the threat of fire at this Site:

- Secure the property with a security guard, fence, and signs to impede access to the property;
- Establish a temporary command post, with office furnishings and office and communications equipment, and/or other support facilities necessary to conduct Removal activities (e.g., sanitary facilities);
- Take necessary actions to prevent, mitigate, eliminate or respond to fire hazards at the Site;
- Sample and analyze the contaminated soils on the property to verify that the soils are hazardous substances, pollutants, or contaminants as defined under CERCLA;
- Coordinate with other Federal and local representatives;
- Track costs and expenditures pursuant to the requirements of CERCLA; and
- Take other relevant actions as required in support of the above.

Based upon the results of the sampling, the OSC will determine what other actions, including potential excavation and off-Site disposal of the contaminated soils, are required to protect human health and the environment.

The necessary costs and necessary funding estimated to perform these tasks follow:

ERRS	\$ 50,000
SATA	\$ 15,000
EPA	\$ 20,000
Unallocated	\$115,000
 TOTAL	 \$200,000

The OSC anticipates that no additional funding will be needed. However, another Special Bulletin may be issued to indicate a change of scope for this removal action once analysis of soils is complete. Additional actions would include soil excavation, transportation and off-Site disposal of Site wastes, and restoration of the property to initial grade.